

1 Law Offices of Erik Graeff, P.C.
2 2125 N. Flint Ave.
3 Portland, OR 97227
4 (971) 228-0014

5 UNITED STATES BANKRUPTCY COURT

6 FOR THE DISTRICT OF OREGON

7 In re)
8)
9 Philip Michael Goldfeld) Case No.: 15-34500
10 Anne Ashton Goldfeld)
11 Debtors.)
12)
13)
14 Philip Michael Goldfeld) Adv. Proc. No.:
15 Anne Ashton Goldfeld)
16) COMPLAINT FOR WILLFUL VIOLATION
17 Plaintiffs,) OF AUTOMATIC STAY;
18 vs.) 11 U.S.C. § 362
19)
20)
21)
22 Jeffrey A. Long, Trustee of)
23 Elizabeth Steiner Trust)
24)
25 and)
26)
27)
28 Gretchen Steiner Pan)
29)
30)
31 Defendants.)

32 COMES NOW, Plaintiffs, by and through their attorney, Erik
33 Graeff, and alleges as follows:

34 1.

35 This court has jurisdiction under 11 U.S.C. § 362 and 28
36 U.S.C. § 1334.

37 COMPLAINT FOR WILLFUL VIOLATION
38 OF AUTOMATIC STAY - 1

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1 2.

2 Plaintiff filed a chapter 7 bankruptcy petition on
3 September 24, 2015, and this adversary proceeding relates to the
4 above-referenced case.

5 3.

6 Defendant Jeffery A. Long(hereinafter referred to as "JLT")
7 is the trustee of the Elizabeth Steiner trust(hereinafter
8 referred to as "the trust") is located in and administering the
9 trust in the state of Oregon. The trust is governed by the laws
10 of the state of Oregon.

11 4.

12 Defendant Gretchen Steiner Pan (hereinafter referred to as
13 "Ms. Pan") is an individual living in the state of Oregon and
14 sole beneficiary of the trust.

15 5.

16 Defendants JLT and Ms. Pan were properly listed on the
17 original schedule F with two notice addresses. See schedule F
18 in the petition.
19

20 6.

21 The Plaintiff's 341 hearing took place on October 22, 2015.
22 Defendant Ms. Pan showed up early to attend the hearing and
23 defendant JLT did not attend. Before the hearing, Defendant Ms.
24 Pan with the assistance of defendant JLT had falsely informed
25 the federal authorities that Plaintiffs were carrying firearms

1 with them at hearing. Defendants had no reason to believe the
2 Plaintiffs had firearms with them.

3 7.

4 This was told to the authorities with the intent to harass
5 and intimidate the Plaintiffs, and out of spite for the
6 Plaintiffs in relation to the debt owed to defendants. The SWAT
7 team showed up, searched everyone, and the entire proceedings
8 were disturbed.

9 8.

10 As the SWAT team began to search people, Ms. Pan stated
11 loudly to everyone, while pointing at Plaintiff Philip Michael
12 Goldfeld, "That's him, he has two hand guns and an Uzi on him."
13 In fact, Ms. Pan had no reason to believe the Plaintiff had any
14 weapon on him. The Plaintiff was wearing biker shorts and other
15 thin clothing that would have made concealment of weapons
16 impossible. After the Plaintiffs were searched, no firearms
17 were found.

18 9.

19 After the Plaintiff's 341 hearing started with the
20 Chapter 7 trustee Rodolfo Camacho, Ms. Pan stated on the record
21 that she was the sole beneficiary of the trust and that trustee
22 JLT had loaned the Plaintiffs \$100,000 of money from the trust
23 that they did not pay back.

10.

One day after the hearing defendant Ms. Pan went online to post a negative comment about the Plaintiff's family and business. She posted a response to an article that had been written about the Plaintiffs several years earlier.

11.

The article was in the Oregonian online. On October 23, 2015 one day after the 341 hearing Ms. Pan posted, "Carry home anything major is never a problem for Anne & Phil Goldfeld. The Car Free Family can't afford large appliances! Their lifestyle is not sustainable & every few years, they file for Bankruptcy. First in Arizona, then ten years later, right here in Oregon in 2015. The Goldfelds are Grifters!! They brought their own special disingenuous brand of criminality to Hillsboro, Oregon."

12.

Defendant's conduct was at all relevant times done with the intent to harass and intimidate the Plaintiffs and to maximize their chance for collecting the debt owed.

13.

Defendants willfully violated the automatic stay when they falsely informed the federal authorities that the Plaintiffs were armed at the hearing because this false allegation was designed to harass and to collect a debt.

14.

Defendants willfully violated the automatic stay when they went online to post negative comments about the Plaintiffs because this was an attempt to collect a pre-petition debt.

FIRST CLAIM FOR RELIEF

(Actual Damages - 11 U.S.C. § 362(k))

15.

The Plaintiffs incorporate herein the allegations contained in paragraphs 1-12 above.

16.

The Plaintiffs have suffered actual damages in the amount of \$10,000 or in an amount to be proven at trial, and should be awarded such damages.

SECOND CLAIM FOR RELIEF

(Punitive Damages - 11 U.S.C. § 362(k))

17.

The Plaintiffs incorporate herein the allegations contained in paragraphs 1-16 above.

18.

The defendant's conduct was willful, wanton and outrageous such that Plaintiffs should be awarded punitive damages in the amount of \$90,000.

1 THIRD CLAIM FOR RELIEF

2 (Attorney Fees and Costs - 11 U.S.C. § 362(k))

3 19.

4 The Plaintiffs incorporate herein the allegations contained
5 in paragraphs 1-18 above.

6 20.

7 But for the Defendants' violation of the automatic stay,
8 the Plaintiff would not have had to initiate this adversary
9 proceeding to enforce its provisions.

10 21.

11 The Plaintiffs should be awarded reasonable attorney fees
12 and costs expended in pursuing the preceding claims.

13 22.

14 FOURTH CLAIM FOR RELIEF

15 (Compensatory Civil Contempt - 11 U.S.C. § 105)

16 Plaintiff incorporates herein the allegations contained in
17 paragraphs 1-21 above.

18 23.

19 Defendant's attempts to collect the debt in violation of
20 the automatic stay under 11 U.S.C. § 362 is subject to the
21 court's contempt powers. Defendants should be held in contempt
22 of court pursuant to U.S.C. §105 and be ordered to pay
23 compensatory damages to Plaintiffs in the amount of \$25,000.

24 //

25 //

COMPLAINT FOR WILLFUL VIOLATION
OF AUTOMATIC STAY - 6

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2 WHEREFORE, the Plaintiff prays for the following:

- 3 a. Award the Plaintiffs Actual Damages in an amount
4 of \$10,000 or in an amount to be determined at
5 trial;
6 b. Award the Plaintiffs Punitive Damages of \$90,000;
7 c. Award the Plaintiffs reasonable attorney fees and
8 costs; and
9 d. Award Plaintiff compensation for civil contempt
10 in an amount of \$25,000.
11 e. Grant such equitable relief or other relief as
12 this court deems just and appropriate.
13

14 Dated: December 19, 2015

15 Law Offices of Erik Graeff P.C.

16 /s/ Erik Graeff
17 Erik Graeff, OSB #102169
18 Attorney for Plaintiffs
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